

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 2:19CR140-PPS
)	
MICHAEL A. CHRISTIANSON,)	
)	
Defendant.)	

OPINION AND ORDER

A criminal defendant has a right to know what he is charged with. The Sixth Amendment to the United States Constitution requires that in a criminal prosecution, “the accused shall enjoy the right...to be informed of the nature and cause of the accusation.” Count 1 of the indictment against Michael Christianson charges him with transporting visual depictions of minors engaged in sexually explicit conduct. The charges are based on three books authored by Christianson, consisting of hundreds of pages and hundreds of images, the vast majority of which do not even arguably meet that standard. But rather than leave Christianson to guess which images he must be prepared to defend against, I will require the government to identify on the record which are images allegedly within the ambit of Count 1.

Federal Rule of Criminal Procedure 7(f) authorizes me to “direct the government to file a bill of particulars.” At the final pretrial conference held May 6, 2021, I raised a question about the government’s identification of the particular images that are charged

in Count 1 of the indictment as visual depictions of minors engaging in sexually explicit conduct. I have observed, and the government has acknowledged, that the books contain many images that are not chargeable as child pornography. The upshot of the discussion on May 6 was that the government would now file the list of charged images that was previously produced to one of Christianson's attorneys before he waived counsel. As of this writing, the list has not been filed.

As a deadline for its filing may not have been set, I will now expressly require that a list in the nature of a bill of particulars be filed and served on Christianson forthwith, no later than May 20, 2021. The list must identify all the images the government may contend at trial are visual depictions involving a minor engaging in sexual explicit conduct. The list should describe each image and indicate where it is found in which book, such as by page number and, if necessary, position on the page. The government should assess whether the previously produced list suffices or whether a new list must be prepared to satisfy these requirements.

ACCORDINGLY:

No later than Thursday, May 20, 2021, the government shall file a bill of particulars in compliance with this opinion.

SO ORDERED.

ENTERED: May 17, 2021.

/s/ Philip P. Simon
UNITED STATES DISTRICT JUDGE